CRLR No. 140 of 2002

Hon’ble Irshad Hussain J.

Heard the learned counsel for the revisionist and the learned Government Advocate.

Perused the copy of the impugned judgment and order dated 11.10.2002 by the Principal Judge, Family Court, Hardwar. The revisionist-husband could not file the written statement, but the learned Principal Judge proceeded to decide the application for grant of interim maintenance. In fact, opportunity should have been given so that the revisionist-husband may be able to putforward his case regarding his inability to pay the maintenance and also whether the wife-applicant was legally entitled to receive the maintenance. Considering this, the impugned order cannot be maintained. The judgment and order dated 11.10.2002 is set aside. The Principal Judge, Family Court shall hear and decide the matter afresh after giving opportunity to the revisionist-husband to file written statement. Meanwhile it is directed that the revisionist-husband shall pay Rs.600.00 (Rs.Six hundred) per month as interim maintenance to the applicant-wife. With this, the petition is finally disposed of.

(Irshad Hussain J.)

21.12.2002/B.